

Exhibit 72

Plaintiffs' Corrected Averment of Jurisdictional Facts and
Evidence and/or Statement of Facts as to Defendant Al Rajhi Bank
Pursuant to Rule 56.1

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How a Diplomat From Saudi Arabia Spread His Faith

German Investigators Link

By David Crawford Special to The Wall Street Journal

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BERLIN -- As head of the Islamic Affairs Department at the Saudi Embassy here, Muhammad Jaber Fakihi was responsible for explaining Saudi religious views and assisting Muslims in need. These were some of his activities after arriving in June 2000:

He frequented a Berlin mosque favored by Islamic extremists and attended on occasion by members of the now-notorious Hamburg cell that helped mount the Sept. 11 terrorist attacks, German investigators said. Mr. Fakihi, now 32 years old, channeled more than \$1 million to the mosque, where Muslim clerics have preached intolerance of non-Muslims, the investigators said.

According to a letter reviewed by The Wall Street Journal, Mr. Fakihi told his superiors in Saudi Arabia that his ultimate goal was to turn Berlin into an Islamic proselytizing center for Eastern Europe. And German officials said they believe he met earlier this year with a Tunisian man under investigation here for possessing bomb-making materials and a handbook for brewing poisons.

Mr. Fakihi's tenure in Berlin shows one way the puritanical version of Islam espoused by Saudi religious and government leaders can be spread. Behind the suave princes who decry terrorism and present a reassuring face to the West, men such as Mr. Fakihi -- Saudi government officials, employees of Saudi charities and others -- disseminate a view of Islam that derides "nonbelievers" and disparages the U.S. and Western culture.

Saudi government spokesmen deny the country encourages intolerance. But for years, the oil-rich kingdom has funded religious schools, seminars and charities that spread fundamentalist Islam in the Middle East, South Asia and Europe.

American and European officials have said that this kind of Islamic belief has helped foster hatred toward the West and in some extreme cases, such as the al Qaeda organization, bloody acts of terrorism.

Mr. Fakihi hasn't been accused of involvement with terrorism. He returned to Saudi Arabia in March, after the discovery of his business card last year among the possessions of a man convicted in Germany of aiding the Sept. 11 hijackers. Mr. Fakihi couldn't be reached for comment in Saudi Arabia.

The Saudi Embassy in Berlin didn't respond to requests for comment. Calls to the Saudi government in Riyadh were returned by an American public relations consultant in Washington. The consultant, who asked not to be identified by name or described as a Saudi spokesman, said Mr. Fakihi's activities in Berlin had been audited and found to be proper. "He did nothing wrong," the consultant said.

The consultant said the premise that Mr. Fakihi personified Saudi efforts to spread an intolerant faith "is dead wrong." He added: "Please do not confuse the acts of a few individuals, with the beliefs and deeds of the entire Saudi people. When you paint Saudi Arabia with a broad brush, you can't say its people are anti-American or anti-Western."

Mr. Fakihi arrived in Berlin in June 2000, after studying Islamic law at the King Saud University in Riyadh. A slim man with a bushy beard, he helped Muslims in Germany make the sacred pilgrimage to Islam's holy sites in Mecca and Medina. He also supplied Muslims here with German translations of the Quran and other religious literature.

Muslim friends of Mr. Fakihi in Germany, most of whom spoke on the condition of anonymity, said that he spoke neither German nor English. He led a relatively insular existence because he resisted fraternizing with non-Muslims -- and even with most other Muslims in Germany, whom he considered too spiritually lax. Most of Germany's 3.5 million Muslims are Turks who follow a version of Islam more moderate than that espoused by observant Saudis.

Cultural Attache

Mr. Fakihi's post at the Saudi Embassy was the equivalent of a cultural attache. But his friends said he wouldn't attend concerts, plays or movies, primarily because he feared any exposure to music, which some orthodox Muslims avoid. He adhered to a fundamentalist strain of the religion promoted by Saudi Arabia and often referred to as Wahhabism. The name alludes to Muhammad ibn 'Abd al-Wahhab, the leader of a puritan Islamic revival in the 18th century. Mr. Fakihi's strict fidelity to Wahhabism prevented him from entering a car if the radio was playing because of the chance that music might come on, his friends said.

Not all of his views were consistent, however. His friends said that Mr. Fakihi vociferously urged them to boycott American goods, as a symbol of resistance to a culture he viewed as corrupt and decadent. Still, the diplomat couldn't shake his strong affection for Coca-Cola, which he drank every day, his friends said, despite their jokes about the contradiction.

Mr. Fakihi's wife, Maryam, is a school teacher, a profession in short supply in Saudi Arabia, so the government had her remain behind in their home country, with the couple's daughter. The diplomat was lonely, his friends said, and he found solace in an Arab restaurant called Salsabil. The place was known for its authentic home cooking and for not serving alcohol, which observant Muslims avoid. Every day, Mr. Fakihi ordered lamb stew with rice, a favorite dish his mother had made, the restaurant's owner, Houssam Nahouli, said.

Mr. Nahouli and some of his employees were members of Berlin's Al-Nur Mosque, which became Mr. Fakihi's favorite place of worship, too, his friends said. The small mosque is located in a district known for its mix of immigrants and counterculture German youth. Most of Al-Nur's worshipers are from Arab countries, and it stands out from predominantly Turkish mosques in that it hews to a more orthodox form of Islam, according to German government investigators.

By the late 1990s, the mosque hosted preachers who justified violence in the name of defending Islam, the investigators said. Mohamed Atta, thought to be the lead Sept. 11 hijacker, and other members of the Hamburg cell visited the mosque during this period, the investigators said.

In addition, documents containing the mosque's address were seized by Pakistani investigators who searched the belongings of men alleged to have received military training in 2001 at al Qaeda camps in Afghanistan. German prosecutors submitted copies of the documents to a court in Hamburg during the trial of Mounir el-Motassadeq, a Moroccan convicted in February of aiding the Sept. 11 hijackers.

Mr. Fakihi had big plans for Al-Nur. Shortly after arriving in Berlin in June 2000, he wrote a letter to the Saudi Minister of Islamic Affairs in Riyadh, Saleh bin Abdulaziz Al-Ashaikh, proposing to turn the mosque into a center for Islamic missionary activity aimed at "ethnic European" populations in Eastern Europe. The Journal reviewed a copy of the letter in Arabic and had it translated. Mr. Fakihi, who envisioned moving his office to the mosque, proposed that Al-Nur carry the word of Islam to Poland, the Czech Republic and Hungary, the last of "which once belonged to the Islamic Caliphate under Ottoman Empire rule."

The letter cautioned about the need to prepare for times of "conflict" between Muslims and unspecified "others," although the context implied that he wasn't referring to violent conflict. The letter recommended purchasing real estate to house an enlarged Islamic center in Berlin, noting that "property ownership is more secure, and offers greater guarantees should it come to a conflict between Muslims and the others."

It couldn't be determined what response Mr. Fakihi received to his letter.

The Washington-based consultant to the Saudi government said the diplomat's aid to the mosque was modest. An audit of the accounts at the Saudi Embassy in Berlin revealed that Mr. Fakihi distributed a total of less than \$5,000 in government money during his entire tenure in Berlin, the consultant said. "His job was to provide copies of the Quran, prayer rugs, and to support the celebration of Islamic festivals," the consultant added. "He wasn't in a position to provide funding for a mosque."

But German investigators said Mr. Fakihi arranged for Saudi government-backed charities to fund the expansion of Al-Nur. The main example is the Riyadh-based Al-Haramain Foundation, which investigators said donated \$1.2 million to help the mosque. The investigators said land-purchase records show that in December 2000, the mosque used the money to buy a four-story factory complex

on a quiet side street, across from a two-story figure of a Marlboro Man rotating on the roof of a cigarette factory. Previously a shabby backyard prayer hall, the larger Al-Nur was outfitted with prayer rugs, classrooms, kitchens, shops and an Internet server, all of which a mosque official proudly pointed out during a visit.

Freezing Assets

In March 2002, the U.S. Treasury ordered the freezing of assets of the Al-Haramain branches in Bosnia and Somalia. In June, the Saudi government said that its own investigation of the foundation had revealed that these branches "supported terrorist activities and terrorist organizations," such as al Qaeda. The Saudis said that the Riyadh branch of the foundation, which is backed by the Saudi government, hadn't been involved in any wrongdoing.

In May, the Saudi and American governments demanded that Al-Haramain shut down its operations in 10 countries, including Pakistan, Indonesia and Croatia. The Al-Haramain headquarters in Riyadh didn't respond to requests for comment. The Saudi government consultant in Washington said his client had no comment on any dealings Mr. Fakihi may have had with Islamic charities.

When imagining a missionary center catering to Eastern Europeans, Mr. Fakihi's model was the Islamic Cultural Center and the Central Mosque in London's Regents Park, according to a Saudi friend who discussed the matter with him. The London complex is run by Ahmad Al-Dubayan, Mr. Fakihi's predecessor as Saudi cultural attache in Berlin.

Mr. Dubayan said his operation provides guidance for Britain's Muslim community on issues such as marriage and divorce. The mosque, he said, is not a Saudi government institution. It has representatives from 23 countries serving on its supervisory board, he said. "I don't represent Saudi Arabia," Mr. Dubayan said. But the London mosque and Mr. Dubayan have close ties to Saudi-government-backed charities, such as the Muslim World League, according to the league's Web site.

Mr. Dubayan left the Saudi Embassy in Berlin three years ago. But a senior German intelligence official said he remained a Saudi diplomat until early this year. It was only then that Mr. Dubayan returned his diplomatic accreditation, the German official said.

During Mr. Fakihi's more than two years in Berlin, Mr. Dubayan served as his mentor and met regularly with the younger man, according to a Saudi friend of Mr. Fakihi's familiar with the relationship. In fact, the expansion of the Al-Nur mosque was a project conceived by Mr. Dubayan, the friend said. Mr. Dubayan arranged for this friend to assist Mr. Fakihi in writing the Al-Nur proposal and other important letters.

Mr. Dubayan didn't respond to requests for comment on his relationship with Mr. Fakihi.

The Al-Nur project stalled after Sept. 11, 2001. During a German government investigation of Islamic extremism, Mr. Fakihi's business card turned up among the possessions of Mr. Motassadeq, the man convicted of aiding the Sept. 11 hijackers. Investigators said they believe Mr. Fakihi met Mr. Motassadeq at the Al-Nur mosque or the Salsabil restaurant. But the investigators said they don't think Mr. Fakihi assisted the hijackers. "We never took notice of Mr. Fakihi until the card was found," a senior German intelligence official said. The Saudi Embassy said last November that it had had no contact with Mr. Motassadeq.

By December, the German government's suspicion of Mr. Fakihi was unmistakable. Visitors to his Berlin home said they had to walk past police guards, and investigators sometimes watched him from an unmarked car as he ate in his favorite restaurant. Friends who joined him for these meals said he told them that the Germans were "conducting a terrorism investigation."

On March 20, German police tailing a 32-year-old Tunisian, Ihsan Garnoai, saw their quarry in a car with diplomatic license plates, investigators said. Mr. Garnoai is under investigation for possessing bomb-making materials and a handbook for making poisons. German investigators said they believe Mr. Fakihi was driving the car with diplomatic plates. The investigators said they believe the pair also had first met at the Al-Nur mosque or the Salsabil restaurant.

The Tunisian was arrested on March 20, within minutes of leaving the car. He is in pretrial detention. A senior German investigator said Mr. Garnoai had visited the Saudi Embassy in Berlin earlier that day to apply for a visa. Mr. Garnoai couldn't be reached for comment.

The imam, or prayer leader, of the Al-Nur mosque, Salem El Rafei, was arrested on the evening of March 20. German federal police searched his home and the mosque, according to the imam's lawyer, Matthias Zieger. Mr. Zieger said his client is innocent of any wrongdoing but is under investigation for membership in a terrorist group and for supporting a terrorist group. The cleric was released after being held overnight. Mr. Zieger said he has no knowledge of Mr. Fakihi, the Al-Haramain Foundation or activities at the mosque.

Two days after the arrests, on March 22, the German Foreign Ministry, following a recommendation from the country's domestic-intelligence service, told the Saudi Embassy that Mr. Fakihi's diplomatic accreditation would be withdrawn unless he left the country, according to a senior German official.

That same day, Mr. Dubayan flew in from London and met Mr. Fakihi at Berlin's Intercontinental Hotel, one of Mr. Fakihi's friends said. Mr. Dubayan didn't respond to requests for comment about this meeting. The next day, Mr. Fakihi took a flight to Riyadh.

The Saudi government consultant in Washington said Mr. Fakihi was never formally asked to leave Germany and that Germany has never informed Saudi Arabia about any investigation of Mr. Fakihi. The Saudi consultant said Mr. Fakihi was questioned by Saudi officials upon his return to Riyadh and was cleared of any wrongdoing. The German Foreign Ministry declined to comment.

Reunited with his wife and child in Riyadh, Mr. Fakihi has telephoned at least twice to Berlin to say that he is doing fine, his friends said. He has told friends he isn't under investigation at home. Allegations that he inappropriately channeled money to the Al-Nur mosque are "nonsense," he has told these friends.

Write to David Crawford at david.crawford@wsj.com